

Assembly Bill No. 1253

CHAPTER 695

An act relating to water, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 14, 2007. Filed with
Secretary of State October 14, 2007.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1253, Caballero. Water: Salinas Valley State Prison wastewater treatment plant.

(1) Under existing law, the State Water Resources Control Board and the California regional water quality control board prescribe waste discharge requirements for publicly owned treatment works and other dischargers in accordance with the federal Clean Water Act and the Porter-Cologne Water Quality Control Act.

Existing law authorizes the Director of General Services to dispose of state surplus property, subject to specified conditions, including authorization by the Legislature.

This bill would make legislative findings and declarations relating to the wastewater treatment situation in the City of Soledad and the Salinas Valley State Prison. The bill would authorize the Director of General Services to sell, lease, convey, or exchange at fair market value specified real property at the Salinas Valley State Prison containing the prison's wastewater treatment facility to the City of Soledad upon those terms and conditions and subject to those reservations and exceptions as the Director of General Services determines are in the best interests of the state. The bill would require that the Department of General Services be reimbursed for any costs or expenses incurred in the disposition of the specified real property. The bill would require the Director of General Services, in implementing these activities, to except and reserve to the state all mineral deposits, as defined, together with the right to prospect for, mine, and remove the deposits. The net proceeds of any moneys received from the disposition of the property would be paid into the Deficit Recovery Bond Retirement Sinking Fund Subaccount, a continuously appropriated fund. By increasing the amount transferred into a continuously appropriated fund, this bill would make an appropriation.

(2) This bill would declare that it is to take effect immediately as an urgency statute.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares the following:

(a) The City of Soledad's existing wastewater treatment facilities, as designed and constructed, are inadequate to continue to treat and dispose of, in accordance with regional water quality control board requirements, the current volume of wastewater now being generated.

(b) The City of Soledad is making every effort to reduce the disastrous effects of this situation, including enacting a building moratorium in the city that began in October 2004.

(c) The City of Soledad currently leases property from the state that contains a wastewater treatment facility that was previously operated by the Salinas Valley State Prison. This facility, along with the city's other wastewater treatment facilities, are reaching capacity quickly, and the city is in urgent need of expanding its entire wastewater treatment system to meet current and projected flows.

(d) California is in crucial need of more prison beds to meet projected inmate populations. Under Assembly Bill 900 (Chapter 7 of the Statutes of 2007), the Salinas Valley State Prison is scheduled for an expansion of its facilities to help meet the growing prison bed need in California.

(e) Given the pending wastewater treatment situation in the City of Soledad and the looming expansion of the Salinas Valley State Prison, it is urgent for the state to respond quickly and address this issue by transferring property currently owned by the state to the city in order for the city to expand its wastewater treatment facility to protect the health and safety of the prison inmates and the residents of the City of Soledad. This situation is at a very crucial point and without a transfer of property the City of Soledad will be faced with tough decisions on how to handle the need for increased capacity on its wastewater system.

(f) Due to the urgent nature of the situation in the City of Soledad, it is necessary to have this sale of surplus property occur independently of other sales of surplus property so that it may take effect immediately.

SEC. 2. It is the intent of the Legislature to authorize the sale or transfer, as specified in Section 3 of this act, of the wastewater treatment facilities located in the Salinas Valley State Prison, to the City of Soledad.

SEC. 3. (a) The Director of General Services may sell, lease, convey, or exchange at fair market value to the City of Soledad, upon those terms and conditions and subject to those reservations and exceptions as the Director of General Services determines are in the best interests of the state, all or any part of the following real property:

Approximately 33.5 acres of the facility known as the California Department of Corrections and Rehabilitation Correctional Training Facility, Soledad, Monterey County Assessor Parcel Numbers 257-041-020 and 257-041-021.

(b) The net proceeds of any moneys received from the disposition of the property described in subdivision (a) shall be paid into the Deficit Recovery

Bond Retirement Sinking Fund Subaccount, as established by subdivision (f) of Section 20 of Article XVI of the California Constitution.

(c) In implementing this act, the Director of General Services shall except and reserve to the state all mineral deposits, as defined in Section 6407 of the Public Resources Code, together with the right to prospect for, mine, and remove the deposits.

(d) The Department of General Services shall be reimbursed for any cost or expenses incurred in the disposition of the property described in subdivision (a) from the net proceeds of the disposition.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to assure proper wastewater treatment and water quality for treated wastewater from the City of Soledad and the Salinas Valley State Prison, it is necessary for this act to take effect immediately.